

K. Gopalram Vs. Muthumari

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Court : Chennai Madurai

Decided On : Jun-24-2016

Judge : The Honourable Dr. Justice P. Devadass

Appeal No. : Crl.RC(MD) No. 601 of 2015

Appellant : K. Gopalram

Respondent : Muthumari

Judgement :

(Prayer: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records relating to Crl.A.No.2 of 2015 in Crl.M.P.No.4354 of 2013 in M.C.No.76 of 2014 (Crl.M.P.No.1828 of 2010) on the file of the 6th Additional District Court, Madurai, and to set aside the same.)

1. Gopalram, party-in-person, aggrieved by certain portions of the order, dated 06.11.2015, passed in C.A.No.2 of 2015, by the learned VI Additional Sessions Judge, Madurai, has directed this revision.

2. The revision petitioner is the husband of the respondent. Difference of opinion arose between them. Now, they are not living together. It is the outcome of the family dispute. In the circumstances, the respondent filed Cr.M.P.No.1828 of 2010, under D.V.Act, before the learned Judicial Magistrate No.II, Madurai. Later, it was transferred to the file of the learned Additional Mahila Judicial Magistrate, Madurai, and renumbered as M.C.No.76 of 2014. In the said case, almost the main family

members of the revision petitioner have been impleaded as respondents. When the case was pending, on 13.09.2010, the revision petitioner was set ex parte. Subsequently, he filed Cr.M.P.No.4354 of 2013 to set aside of the ex parte order, dated 13.09.2010, passed against him.

3. The learned Additional Mahila Judicial Magistrate, Madurai, by his Order dated 02.12.2014, allowed the petition and imposed a cost of Rs.5,000/-. As against that, the revision petitioner preferred an appeal, in C.A.No.2 of 2015, before the learned VI Additional Sessions Judge, Madurai.

4. The learned Appellate Judge, by his Judgment dated 06.11.2015, did not disturb the orders of the learned Trial Judge setting aside the ex parte order passed against the revision petitioner, however, upheld the direction to pay a cost of Rs.5,000/- to the respondent. As against that, the revision petitioner has filed this revision.

5. The revision petitioner submitted that he has already filed a counter in Cr.M.P.No.1828 of 2010. As already stated, that has become M.C.No.76 of 2014. Both sides submitted that the matter is posted before the learned Additional Mahila Judicial Magistrate, Madurai, on 04.07.2016, for further hearing.

6. The learned counsel for the respondent submitted that the respondent is always ready for a peaceful settlement. She is tired of Court cases.

7. According to the revision petitioner, he has been trapped in several cases. Even there is a problem with regard to address and his ailments.

8. On perusal of the records, it is seen that when this matter earlier came before this Court on 30.03.2016, an offer of peaceful settlement came from the respondent. However, the revision petitioner has not grappled it. He wishes to place his submissions and face the case.

9. In the light of the above, both the learned Additional Mahila Judicial Magistrate as well as the learned VI Additional Sessions Judge omitted to view the matter in a pragmatic way to solve the long pending family problem. Inasmuch as the respondent came forward for a peaceful solution, directing the revision petitioner

to pay cost will be adding fuel to fire. It will not be in the good interest of the couples. Therefore, I am of the view that in the facts and circumstances, inasmuch as having allowed the setting aside petition, imposing cost of Rs.5,000/- is not necessary. It will not serve any purpose.

10. In view of the foregoing reasons, ordered as under:

(i) This revision is allowed.

(ii) The directions of the learned Additional Mahila Judicial Magistrate, passed in Cr.M.P.No.4354 of 2013 in Cr.M.P.No.1828 of 2010 in M.C.No.76 of 2014, as well as the directions of the learned VI Additional Sessions Judge, Madurai, in C.A.No.2 of 2015, to deposit cost of Rs.5,000/- is deleted.

(iii) The revision petitioner and the respondent will appear before the learned Additional Mahila Judicial Magistrate, Madurai, in M.C.No.76 of 2014, on 04.07.2016, for further hearing.

(iv) Since this matter is pending from 2010, the learned Additional Mahila Magistrate, Madurai, is directed to dispose of this matter expeditiously, preferably within two months from the date of receipt of a copy of this Order.

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